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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/710,668	07/28/2004	Jui-Chiang Lin	LITP0012USA	4667
27765	7590	09/14/2007		
NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION P.O. BOX 506 MERRIFIELD, VA 22116			EXAMINER NGUYEN, KEVIN M	
			ART UNIT 2629	PAPER NUMBER
			NOTIFICATION DATE 09/14/2007	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/710,668	Applicant(s) LIN, JUI-CHIANG	
	Examiner Kevin M. Nguyen	Art Unit 2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 August 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,9-11 and 13 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5,9-11 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/28/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

This Office Action is made in response to applicant's RESPONSE TO ELECTION REQUIREMENT AND AMENDMENT, filed on 8/30/2007.

Applicant's election without traverse of species I and III, as illustrated in figures 1 and 6 is acknowledged.

Claims 6-8 and 12 are withdrawn (cancelled) from further consideration pursuant to 37 CFR 1.142(b) as being drawn to nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse.

Applicant indicated that claims 1-5, 9-11 and 13 are readable on the elected species I and III, which are entered and considered.

The requirement is still deemed proper and is therefore made FINAL.

An action on the RESPONSE TO ELECTION REQUIREMENT follows.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-4, 9-10 and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Figueria (US 2004/0251406).

3. As to **claim 1**, figures 1, 2 and 3 of Figueria teach an electronic apparatus with level-detecting function, the electronic apparatus comprising:

- an electronic component (section 54);

- a light-sensing device for sensing light (the photo transistor 68);

- a light source for emitting light onto the light-sensing device (a LED 62);

- a light blocker for blocking light emitted by the light source from projecting onto the light-sensing device when the electronic component is tilted and has a tilt angle within a predetermined range (a disk 60, a tilt angle 90^0 , a range 90^0) and

- a control circuit electrically connected to the light-sensing device for controlling the electronic component to selectively operate in one of a plurality of operating modes according to the intensity of light received by the light-sensing device (the operating states, the light energy, the photo transistor 68, the PCB 106, see sections 44-49).

As to claim 2, the electronic apparatus of claim 1, wherein the electronic component is an optical disc drive (Figueria discloses the disk 60, section 57).

As to claim 3, the electronic apparatus of claim 2 further comprising a housing for the light blocker to be rotatably fixed to, when the optical disc drive is tilted at an angle within the predetermined range, the light blocker is rotated to a position to block light emitted from the light source from projecting onto the light-sensing device (the housing

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102, the disk 60, the tilt angle 90^0 , the range 90^0 , see sections 55 and 58 as are discussed by Figueria).

As to claim 4, the electronic apparatus of claim 2, wherein the plurality of operating modes comprises an enable mode and an off mode (Figueria discusses in section 46-48).

4. As to **claim 9**, Figueria teaches a method for enabling an electronic apparatus to selectively operate in one of a plurality of operating modes (operating states) according to a tilt angle (a tilt angle 90^0) of the electronic apparatus, the method comprising the following step:

emitting light from a light source (62) to a light-sensing device (68);

blocking the light according to the tilt angle (a tilt angle 90^0) with a light blocker (a disk 60) when the electronic component is tilted; and

controlling an electronic component (the PCB 106) of the electronic apparatus to operate in one of the plurality of modes (three operating states) according to the intensity of light emitted by the light source (62) and sensed by the light-sensing device (68) (see sections 44-49).

As to claim 10, the method of claim 9, wherein the electronic component is an optical disc drive, and the plurality of modes comprises an enable mode and an off mode (Figueria discusses in sections 46-48).

As to claim 13, Figueria discusses the method of claim 9, wherein the electronic apparatus further comprises a housing (102) for the light blocker (the disk 60) to be rotatably fixed to, when the electronic component is tilted at an angle within a

predetermined range (the tilt angle within a range 90^0), the light blocker (60) is rotated to a position to block light emitted by the light source (62) from projecting onto the light-sensing device (68) (see sections 44-49).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Figuieria in view of Tateishi et al (US 5,859,818) hereinafter Tateishi.

Figuieria teaches all of the limitation of claims 1 and 9, except for claim 5, the electronic apparatus of claim 4, wherein the optical disc drive continuously reads data stored on a disc when operating in the enable mode; but generates a sound signal or a light signal as an alarm signal, stops reading the data stored on the disc, or is turned off when operating in the off mode. And claim 11, the method of claim 10, wherein the optical disc drive continuously reads data stored on a disc when operating in the enable mode; but generates a sound signal or a light signal as an alarm signal, stops reading the data stored on the disc, or is turned off when operating in the off mode.

As modified by Tateishi reference, Tateishi teaches the deficiencies of Figuieria in which a tilt servo apparatus for use in optical disc reproducing apparatus operates

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promptly and certainly when reading recording information of an optical disc recorded at high density (see the abstract).

Because both Figueria and Tateishi teach methods for detecting tilt for use in the optical disk, it would have been obvious to one skilled in the art to substitute one method for the other to achieve the predictable result of detecting tilt for use in the optical disk.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin M. Nguyen whose telephone number is 571-272-7697. The examiner can normally be reached on MON-THU from 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard A. Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin M. Nguyen/
KEVIN M. NGUYEN
Examiner
Art Unit 2629

KMN
September 5, 2007